

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:
:
:
DBGA, LLC :
t/a Dacha Beer Garden :
79 Potomac Ave SE : Fact Finding
Retailer CT - ANC 6D : Hearing
License No. 106040 :
:
(New Application - Summer :
Garden with 250 seats and :
Sidewalk Café with 350 :
seats) :

Wednesday
May 16, 2018

The Alcoholic Beverage Control Board
met in the Alcoholic Beverage Control Hearing
Room, Reeves Building, 2000 14th Street, N.W.,
Suite 400S, Washington, D.C. 20009, Chairperson
Donovan W. Anderson, presiding.

PRESENT:

- DONOVAN W. ANDERSON, Chairperson
NICK ALBERTI, Member
BOBBY CATO, JR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member

ALSO PRESENT:

ANDREW KLINE, Applicant's Counsel

ILYA ALTER, Applicant

DIMITRI CHEKALDIN, Applicant

KEVIN PUENTE, ABRA Investigator

MARK BRASHEARS, ABRA Investigator

CORALIE FARLEE, ANC 6D

1 P-R-O-C-E-E-D-I-N-G-S

2 4:22 p.m.

3 CHAIRPERSON ANDERSON: We are back on
4 the record. We are going to do a Fact-Finding
5 Hearing on Dacha Beer Garden, License No. 106040.

6 Will the parties, please, approach and
7 identify themselves for the record, please?

8 MR. KLINE: Good afternoon. Andrew
9 Kline on behalf of the applicant.

10 CHAIRPERSON ANDERSON: Good afternoon,
11 Mr. Kline.

12 MR. ALTER: Ilya Alter.

13 CHAIRPERSON ANDERSON: Yes, sir? I
14 didn't hear you.

15 MR. ALTER: Ilya Alter.

16 CHAIRPERSON ANDERSON: Good afternoon,
17 sir.

18 MR. CHEKALDIN: Dimitri Chekaldin, the
19 applicant.

20 CHAIRPERSON ANDERSON: Good morning.
21 Good afternoon, I'm sorry. There is a sign-in
22 sheet, so please, sign-in on that sheet. Mr.

1 Puento?

2 INVESTIGATOR PUENTE: Kevin Puento,
3 Investigator.

4 CHAIRPERSON ANDERSON: Good afternoon.

5 INVESTIGATOR BRASHEARS: Mark
6 Brashears, Investigator with ABRA.

7 CHAIRPERSON ANDERSON: Good afternoon,
8 Mr. Brashears. Dr. Farlee?

9 MS. FARLEE: Coralie Farlee, Chair,
10 ABC Committee, ANC-6D.

11 CHAIRPERSON ANDERSON: And good
12 afternoon. I would like everyone to make sure
13 that they sign-in on the sign-in sheet.

14 MR. KLINE: Great. Thank you.

15 CHAIRPERSON ANDERSON: All right.
16 This is a Fact-Finding Hearing on Dacha Beer
17 Garden. It's a new application. The Board had
18 approved this application. It's sitting in a
19 405.1 status and so there are some -- probably I
20 know that the establishment is not open as yet
21 and so we are still in the planning stage, so we
22 are just trying to find out where it is, where we

1 are and what changes, if any, can we make.

2 I know that Mr. Puente --

3 INVESTIGATOR BRASHEARS: Brashears.

4 CHAIRPERSON ANDERSON: -- Mr.

5 Brashears, you wrote a report on this?

6 INVESTIGATOR BRASHEARS: Yes, sir.

7 CHAIRPERSON ANDERSON: So can you let
8 us -- bring us up to speed where we are, please,
9 sir?

10 INVESTIGATOR BRASHEARS: Yes. Well,
11 I was assigned to conduct a site visit at the
12 future home of Dacha Beer Garden. ABRA records
13 listed that as 79 Potomac Avenue, S.E.,
14 Washington, D.C. The site visit was requested,
15 basically, to clarify where the establishment
16 would be and the subsequent sidewalk cafe and
17 summer garden due to the somewhat ambiguous
18 nature of the drawings that accompanied the
19 application.

20 I conducted a review of ABRA records
21 which basically let me know that Dacha Beer
22 Garden was going to be a new Class CT Retailer, a

1 brick and mortar establishment with 350 seats and
2 an accompanying summer garden with an occupant
3 load of 550 and a summer garden with an occupant
4 load of 250.

5 Myself and Investigator Puente --

6 MS. FARLEE: Sidewalk cafe.

7 INVESTIGATOR BRASHEARS: I'm sorry,
8 sidewalk cafe. Yes, ma'am. Myself and
9 Investigator Puente visited the establishment and
10 spoke with the property management company and,
11 basically, went over a drawing of the proposed
12 layout. We were basically informed that the
13 corner of the building, and I think I have it in
14 the photos, would basically house the CT portion
15 currently under renovation and build-out. And
16 then we went over the proposed areas for the
17 sidewalk cafe.

18 The sidewalk cafe from what was on the
19 drawings and what the property manager detailed
20 was going to be directly next to the
21 establishment. And then across a slight easement
22 where a park is currently located, the summer

1 garden was going to be.

2 Now, from the -- speaking with the
3 property management individual, we were told the
4 property owned everything from one end of the
5 building all the way down past the other end of
6 the summer garden. However, they had turned over
7 the easement, which is approximately 25 feet wide
8 and runs from the road almost to the water back
9 to the public as a public roadway or a public
10 easement.

11 We did some basic measurements. The
12 area that it looked like the sidewalk cafe was
13 going to be was roughly 40 feet wide by 73 feet
14 long, basically, coming right off the side of the
15 building with the summer garden and the summer
16 garden, the park area, it has uneven dimensions,
17 but roughly 100 -- 100 feet on its longest side,
18 66 feet on its shortest side.

19 So from an ABRA perspective, there
20 were some concerns and the property management
21 had concerns about the alcohol falling across the
22 easement and boundaries for the sidewalk cafe and

1 summer garden and the occupant load, due to the
2 fact that we have two other ABC establishments
3 with large summer gardens in the area, and we are
4 already starting to get some buzz on the Internet
5 about large pub crawls in the area due to the
6 large occupant load.

7 So those were the issues that were
8 voiced to us and it's also my understanding that
9 the establishment has already been placarded and
10 we had concerns about how the establishment would
11 get that kind of occupant load into the square
12 footage.

13 CHAIRPERSON ANDERSON: All right.
14 Now, is it just this one picture or are there
15 more pictures that --

16 MR. KLINE: I haven't seen the
17 pictures that you have nor have I seen the report
18 that was just read. And I'm kind of surprised
19 that we would be called into a Fact-Finding and
20 there would be a report and we wouldn't have been
21 provided a copy of that.

22 CHAIRPERSON ANDERSON: Do we know why

1 the applicant wasn't given a copy of the report?

2 MR. KLINE: We inquired several times
3 and, you know, the only thing we got was your
4 letter, which we appreciated. But I mean, if
5 there is a report, then we are certainly better
6 prepared to deal with what your issue are --

7 INVESTIGATOR BRASHEARS: Well --

8 MR. KLINE: -- if we know beforehand.

9 MEMBER ALBERTI: Maybe we should pause
10 and see if we can get them a copy.

11 INVESTIGATOR BRASHEARS: Well, there
12 was no report, sir, it was, basically, a
13 memorandum. A memorandum written to detail that
14 the site visit -- as there were no violations and
15 it wasn't a case, there was no actual report. It
16 was simply a memorandum with exhibits, so that,
17 you know, the Board could better understand the
18 layout.

19 MEMBER ALBERTI: So, Mr. Kline, we
20 will get you a copy and give you a chance to look
21 at it.

22 MR. KLINE: I appreciate it.

1 MEMBER ALBERTI: I will tell you that
2 there should be no surprises in there. It's sort
3 of factual about what is there.

4 INVESTIGATOR BRASHEARS: Yes.

5 MEMBER ALBERTI: And I know that
6 because I have looked at the area myself. I have
7 been down and saw for myself. And most of this
8 report, except for the write-up, most of this is
9 -- and some pictures of the area, which, you
10 know, are there.

11 MR. KLINE: We haven't even saw them.

12 MEMBER ALBERTI: Right, right. So we
13 will get you a copy.

14 MR. KLINE: Great. I appreciate that.

15 MEMBER ALBERTI: I mean, there
16 shouldn't be any surprises. Take my apologies.
17 I'm sure the rest of the Board agrees with me.
18 We apologize for not having gotten this to you.

19 MR. KLINE: Right. I mean, I guess my
20 only other concern is conversations with the
21 landlord. We don't know who was spoken to. We
22 have a lease. The landlord doesn't have

1 authority to speak on our behalf.

2 CHAIRPERSON ANDERSON: Well, I think
3 you could ask Mr. Brashears what conversation he
4 had with the landlord. So maybe -- so, Mr.
5 Kline, you heard we give you -- we will give you
6 a copy of this memorandum that Mr. Brashears
7 wrote. And so why don't you tell us, you gave
8 us --

9 INVESTIGATOR BRASHEARS: Yes, we have
10 pictures.

11 MR. KLINE: I don't know what we are
12 going to do.

13 CHAIRPERSON ANDERSON: So why don't
14 you let us know where we are and what is going
15 on. I mean, clearly, there is some issues with,
16 I guess, The Salt Line or I don't -- I have been
17 -- I know where The Salt Line is, but I don't
18 know where this establishment is in relation, so
19 why don't you talk about that? Maybe you can
20 also talk about the easement that there is a --
21 it's -- it appears that there is some easement in
22 the middle of the property.

1 And so how -- if there is an easement,
2 how do you control alcohol service? I know that
3 your client wants to make sure that they are good
4 citizens, so we only see them when they come to
5 apply for things, not when they get in trouble.
6 So all right.

7 MR. KLINE: All right. So we put
8 together a package for you. We are unaware of
9 what the issues might be with The Salt Line, but
10 I'm not here for them, so we are going to talk
11 about --

12 CHAIRPERSON ANDERSON: Well, but
13 that's not with them. In the relationship where
14 The Salt Line is, where -- do they have a summer
15 garden? Do you have a summer garden? And
16 whether or not folks will -- how are you able to
17 control your population? And that folks -- I
18 don't know where they -- you know where The Salt
19 Line is. You know where the -- your clients'
20 property and whether or not, based on the summer
21 gardens, that they are proposing, folks will
22 believe it's one establishment. I think it's

1 from that --

2 MR. KLINE: All right.

3 CHAIRPERSON ANDERSON: -- perspective.

4 MEMBER ALBERTI: I think it's
5 basically how are you going to delineate this
6 area in general, not just to The Salt Line.

7 MR. KLINE: I got it.

8 MEMBER ALBERTI: This is not
9 adversarial. What we are just trying to figure
10 out is that we know what the plans are and if
11 there are things that we would like you to do
12 differently, just to make sure that we are
13 assured of where the area is that alcohol service
14 is correct.

15 MR. KLINE: That's why we thought, Mr.
16 Alberti --

17 MEMBER ALBERTI: That's all this is
18 about.

19 MR. KLINE: Yes.

20 MEMBER ALBERTI: So that you don't get
21 blindsided a week before you open and go wait a
22 second, you need an extra fence here.

1 MR. ALTER: Yeah.

2 MEMBER ALBERTI: All right?

3 MR. ALTER: Yeah.

4 MEMBER SILVERSTEIN: Mr. Kline, this
5 is sort of like you want and I think we all want
6 a roadmap to move forward.

7 MR. KLINE: We are happy to do that.

8 MEMBER SILVERSTEIN: But before we
9 have a roadmap, we have to have a map to begin
10 with.

11 MR. KLINE: Sure.

12 MEMBER SILVERSTEIN: And that's what
13 we are trying to decide right here.

14 MR. KLINE: Got it.

15 MEMBER SILVERSTEIN: What is on the
16 ground? Where are the potential issues that have
17 to be resolved? And that's where we are.

18 MR. KLINE: Okay. All right. So you
19 have a package. I think all of you have a
20 package in front of you?

21 MEMBER ALBERTI: Um-hum.

22 MR. KLINE: All right. So the first

1 page, pretty straightforward. This is the
2 building, the corner of the building where the
3 interior premises would be located, where the
4 kitchen is located. There is indoor seating.
5 And this will be the service area for the entire
6 establishment.

7 If you go to the second page, the only
8 reason we included that, just to be clear, but
9 that was what was initially filed, because that
10 was what was negotiated with the landlord in
11 terms of the space that is occupied by this
12 tenant.

13 You will note we will get to a clearer
14 drawing in this in just a minute. In the middle
15 of it, there is an area in blue, that is the --

16 CHAIRPERSON ANDERSON: You are on the
17 second page?

18 MR. KLINE: I'm on the second page,
19 yes, sir.

20 CHAIRPERSON ANDERSON: Okay.

21 MR. KLINE: On the second page to the
22 left, which is sort of shaded in yellow, that's

1 the building. To the right, which is one, two,
2 three, four, I guess, an octagon, is the -- both
3 the summer garden area, sidewalk cafe and another
4 public space area, which I'll talk about in a
5 minute.

6 But in the middle, in this area here,
7 you will see an area that is outlined in blue,
8 that is the easement that has been referred to.
9 It is actually an easement back by the tenant,
10 that area was leased by the tenant. However,
11 there is an easement back for thoroughfare to the
12 landlord for traverse during game days.

13 And it is probably better to move on
14 to other drawings before we get into more detail,
15 because I think they are a little clearer.

16 MEMBER ALBERTI: Just to be helpful --

17 MR. KLINE: Yes, sir?

18 MEMBER ALBERTI: -- in Mr. Brashears'
19 report, maybe you could provide Mr. Kline with
20 this diagram, you have almost an identical -- oh,
21 it is identical except for the coloring and the
22 highlighting.

1 INVESTIGATOR BRASHEARS: Yes, sir.

2 MEMBER ALBERTI: Map. Can you provide
3 that to Mr. Kline? Because I think it's -- Mr.
4 Kline, his is like the coloration and the outline
5 on his better depicts what you were trying to
6 describe. And I think you will agree once you
7 see it.

8 MR. KLINE: Okay.

9 MEMBER ALBERTI: I think it will be
10 helpful to all of us and it's labeled with As, Bs
11 and Cs and colors and I just think if you have
12 that --

13 MR. KLINE: Yes.

14 MEMBER ALBERTI: -- we can agree -- is
15 that -- would that be better for you?

16 MR. KLINE: Yeah, we -- I mean, this
17 is what we are talking about.

18 MEMBER ALBERTI: Right.

19 MR. KLINE: Yes.

20 MEMBER ALBERTI: And so I think it's
21 better for all of us. I can visualize it there
22 better than I can on yours.

1 MR. KLINE: Okay.

2 MEMBER ALBERTI: No offense, but --

3 MR. KLINE: I'm not offended.

4 MEMBER ALBERTI: All right.

5 MR. KLINE: I think if you go to the
6 next drawing; however --

7 MEMBER ALBERTI: All right.

8 MR. KLINE: -- which is somewhat
9 three-dimensional --

10 MEMBER ALBERTI: Right.

11 MR. KLINE: -- then you may have a
12 better idea in terms of how this lays out. It's
13 a street-sense drawing.

14 MEMBER ALBERTI: Right, right.

15 MR. KLINE: Labeled SA02. And that
16 shows you how it lays out.

17 Turning to Mr. Brashears' drawing, the
18 easement area that we were talking about is
19 labeled as B. And look at -- do you have this up
20 on your monitors?

21 MEMBER ALBERTI: No. Yeah, we do. We
22 do, we do.

1 MR. KLINE: Okay. Good.

2 INVESTIGATOR BRASHEARS: It's this
3 area right there, correct?

4 MR. KLINE: Yeah.

5 MEMBER ALBERTI: Yep.

6 MR. KLINE: So if you look down here,
7 you can see here where I have the cursor --

8 MEMBER ALBERTI: Um-hum.

9 MR. KLINE: -- that's The Salt Line
10 area. In front of that, this is the -- this is
11 B.

12 MEMBER ALBERTI: Um-hum.

13 MR. KLINE: On the drawing that you
14 see, that's the easement area.

15 MEMBER ALBERTI: Um-hum.

16 MR. KLINE: Now, and then over here,
17 this is the Dacha building. This is the summer
18 garden area here. And then over here there is a
19 sidewalk cafe in front of the building here. And
20 then there is --

21 MEMBER ALBERTI: So --

22 MR. KLINE: -- another sidewalk cafe.

1 MEMBER ALBERTI: -- excuse me, I'm
2 sorry, Mr. Kline, the sidewalk cafe is the area
3 along Potomac Avenue?

4 MR. KLINE: Yeah. So if you look at--

5 MEMBER ALBERTI: So look at Mr.
6 Brashears, he has A as a summer garden. Is that
7 not -- is that incorrect?

8 MR. KLINE: That is part of the summer
9 garden. The summer garden, actually, if you look
10 at --

11 MEMBER ALBERTI: This is part of our
12 problem. We couldn't see where things were.

13 MR. KLINE: You know, I hope I have
14 given you enough drawings.

15 MEMBER ALBERTI: I know. So --

16 MR. KLINE: Yeah, right.

17 MEMBER ALBERTI: -- that's why I'm
18 asking questions.

19 MR. KLINE: Okay. Yes.

20 MEMBER ALBERTI: So it wraps around on
21 Potomac Avenue side?

22 MR. KLINE: Yeah. If you look at the

1 Google Earth view, which is the page 3 of the
2 handout that we --

3 MEMBER ALBERTI: Yeah, I gotcha.

4 MR. KLINE: -- maybe it's page 4 of
5 the handout that we gave you, you will see we
6 have overlaid the area. So you will see the
7 easement, which is kind of the middle, I started
8 calling it a rectangle, but it's not precisely a
9 rectangle.

10 MEMBER ALBERTI: So your overlay is
11 sort of this pale grayish area?

12 MR. KLINE: Grayish, yep. And you
13 will see the seating.

14 MEMBER ALBERTI: And then in between
15 those two grayish areas is a darker area, it's
16 partly shaded, that's the easement?

17 MR. KLINE: That's the easement.

18 MEMBER ALBERTI: Well, where is the
19 summer garden?

20 MR. KLINE: The summer garden is --

21 MEMBER ALBERTI: The sidewalk cafe.

22 MR. KLINE: Okay. So --

1 MEMBER ALBERTI: Because the building
2 is part of that.

3 MR. KLINE: -- that is perhaps best
4 shown on the last two drawings. And there are
5 two drawings made up as the area. If you -- I'm
6 going to pull mine apart, so that perhaps it's
7 clearer, because they lay together like this.
8 This is the two areas.

9 MEMBER ALBERTI: Yeah, I got it.

10 MR. KLINE: So there is a summer
11 garden adjacent to the building and then there is
12 a summer garden on the other side of what we call
13 the easement. And then there are sidewalk cafes.
14 As you can see from this drawing, there is a
15 sidewalk cafe that --

16 MR. ALTER: All along Potomac Avenue.

17 MR. KLINE: -- all along Potomac
18 Avenue. Part of it is adjacent to the building.
19 The other sidewalk cafe is adjacent to --

20 MEMBER SHORT: So, Mr. Kline, could I
21 ask you a quick question?

22 MR. KLINE: -- the summer garden.

1 Yes, sir.

2 MEMBER SHORT: So the Dacha building
3 itself, the brick and mortar, is separated by the
4 easement and then you have the summer garden?

5 MR. KLINE: No. If I may?

6 MEMBER ALBERTI: Well, go to Mr.
7 Brashears, A is part of the summer garden. Is
8 that correct?

9 MR. KLINE: A is part of the summer
10 garden.

11 MEMBER ALBERTI: Okay.

12 MR. KLINE: But it actually goes out
13 further than that.

14 MEMBER ALBERTI: It actually goes out
15 farther than that?

16 MR. KLINE: Yeah. So our outside
17 premises, just to be clear, is this entire area,
18 including the easement.

19 MEMBER ALBERTI: Yeah, okay. I see.
20 And your diagram shows that it goes farther.

21 MR. KLINE: Right.

22 MEMBER SHORT: That's the question I

1 asked. So the easement separates the business,
2 at least the two outside sections?

3 MR. KLINE: It does not separate them.
4 It is a passageway. In their lease, it is part
5 of their premises. And in fact, when we applied
6 for it, it was intended that it be part of their
7 premises, but from a management standpoint, let
8 us walk you through how we are going to deal with
9 that, because I think that's the bigger issue.

10 INVESTIGATOR BRASHEARS: Yes, it is.

11 MEMBER ALBERTI: Okay.

12 MEMBER SHORT: So wait. I have to say
13 this. Now, the easement belongs to whom?

14 MR. KLINE: It belongs to them.

15 MEMBER SHORT: It's an easement.

16 MR. KLINE: It's leased to them.

17 MEMBER ALBERTI: Okay.

18 MR. KLINE: That property is leased to
19 them. The lease provides that there is an
20 easement for use on game days, because the
21 landlord recognizes well, you know, there is
22 going to be a lot of people down there, so there

1 was a recognition that there needed to be a way
2 to -- for large numbers of people to get through.

3 So the agreement that we reached with
4 the landlord is yeah, we lease it, we pay for it,
5 but we are going to allow it to be used as a
6 thoroughfare on game days and that we can't on
7 game days block it off or otherwise obstruct
8 traffic in that easement area.

9 MEMBER SHORT: Okay. So on game days
10 --

11 MR. KLINE: Or other events.

12 MEMBER SHORT: -- or other events, the
13 easement is open to the public?

14 MR. KLINE: Correct.

15 MEMBER SHORT: How does service then
16 go from the building across the easement to where
17 people are going to be getting service,
18 apparently?

19 MR. KLINE: Okay. So their internal
20 rules and their intention is that on game days,
21 patrons will not be allowed to leave either
22 summer garden area and traverse the easement with

1 alcohol.

2 MEMBER SHORT: You'll be able to
3 control that?

4 MR. KLINE: Yeah.

5 MEMBER SHORT: How?

6 MR. KLINE: With security staff.

7 MEMBER SHORT: Are there any fences or
8 anything to impede people?

9 MR. KLINE: Yes.

10 MEMBER SHORT: With a drink, I'm on
11 the summer garden side and I decide I'm going to
12 go across to see some of my friends drinking
13 across the easement, there is a barrier to keep
14 them going from there?

15 MR. KLINE: Yes, sir.

16 MEMBER SHORT: What does the barrier
17 look like?

18 MR. ALTER: It's a planter. It's a 42
19 inch planter.

20 MEMBER SHORT: Where is it at? Is
21 there a picture we can see?

22 MR. ALTER: Yep, it's a drawing. A 3-

1 D drawing.

2 MR. KLINE: Yes, look at the 3-D.

3 MEMBER SHORT: How tall is the
4 planter?

5 MR. KLINE: 42 inches.

6 MR. ALTER: 42 inches.

7 MEMBER SHORT: In height?

8 MR. KLINE: Yes, sir.

9 MEMBER SHORT: And where is it at?

10 MR. KLINE: If you look at the 3-D
11 drawing, I think it is page 3 of your packet,
12 then you will see the boundaries around the
13 summer garden areas and you will see in the
14 middle of the eastern summer garden area on the
15 west side of that, there is an opening, but there
16 are otherwise barriers.

17 MEMBER SHORT: Okay. Now, again --

18 MR. ALTER: Sir?

19 CHAIRPERSON ANDERSON: No, hold on,
20 hold on.

21 MEMBER SHORT: Just keep --

22 CHAIRPERSON ANDERSON: Show me what

1 you are talking about, because I mean -- yeah.

2 MEMBER ALBERTI: Yeah, because you
3 have got this floating platform and I don't --

4 CHAIRPERSON ANDERSON: Yes.

5 MEMBER ALBERTI: -- understand.

6 CHAIRPERSON ANDERSON: Yes, show me.
7 I also -- so show me.

8 MR. KLINE: That's the sculpture that
9 you see in the --

10 CHAIRPERSON ANDERSON: Mr. Kline,
11 sometimes, I mean, I'm more visual. I need
12 somebody to point it out to me.

13 MR. KLINE: May I approach?

14 CHAIRPERSON ANDERSON: Sure. I have
15 the -- because I have it here, but I don't know
16 what you are talking about.

17 MR. KLINE: Okay. So this is the
18 building.

19 CHAIRPERSON ANDERSON: Okay. Right.

20 MEMBER ALBERTI: Yes.

21 MR. KLINE: Sidewalk cafe here.

22 Summer garden area here. Other summer garden

1 area and this is the sidewalk cafe. But other
2 side -- summer garden area here.

3 MEMBER ALBERTI: Yes.

4 MR. KLINE: Okay? There is -- there
5 are planters here. There is an opening here. If
6 you see there is an opening right here.

7 CHAIRPERSON ANDERSON: Okay.

8 MR. KLINE: So that's where access
9 will be controlled in terms of people leaving
10 this area and either wandering up here or even
11 wandering over here.

12 MEMBER ALBERTI: Okay. So --

13 MR. KLINE: All right?

14 MEMBER ALBERTI: -- all right.

15 MR. KLINE: On non-game days, non-
16 event days, non-game or event days, then they
17 retain the option. And on a normal day, they
18 wouldn't do it. They would only do it if they
19 had some sort of event where they wanted to
20 capitalize on the whole area. They might close
21 this off and close this off if they were doing
22 some sort of special event.

1 In the normal course, this will be
2 open, even on non-game days. And there will be
3 controlled access here and there will be
4 controlled access here to people.

5 MEMBER ALBERTI: So you haven't --
6 wait, wait. Let's stay on track here of what you
7 are just doing. So you talked about the summer
8 garden area controlled access.

9 MR. KLINE: Right.

10 MEMBER ALBERTI: Gotcha.

11 MR. KLINE: Right.

12 MEMBER ALBERTI: All right.

13 MR. KLINE: Um-hum.

14 MEMBER ALBERTI: What's going on
15 closer to the building?

16 MR. KLINE: There are --

17 MEMBER ALBERTI: That's either a
18 summer garden or a sidewalk cafe.

19 MR. KLINE: It's a summer garden.

20 MEMBER ALBERTI: How is it controlled?
21 You haven't spoken to that.

22 MR. KLINE: Yes, it will be controlled

1 with security personnel here and here.

2 MEMBER ALBERTI: How is it delineated?

3 MR. KLINE: It's delineated as you see
4 here. And let me qualify this, this is all
5 preliminary because they are in for plans right
6 now and I called yesterday and said happy to come
7 in, but we are still in for plans.

8 MEMBER ALBERTI: Yeah, you know, I
9 don't -- yeah, I don't care whether you -- the
10 size of the plants or whether you use an iron
11 fence, I don't really care, but just tell me.

12 MR. KLINE: Right.

13 MEMBER ALBERTI: So in general what
14 direction you are going.

15 MR. KLINE: Right.

16 MEMBER ALBERTI: All right.

17 MR. KLINE: So --

18 MEMBER ALBERTI: Is there going to be
19 no barriers?

20 MR. KLINE: No, you will see there is
21 a barrier here.

22 MEMBER ALBERTI: All right.

1 MR. KLINE: All right. There is a
2 barrier on the sidewalk cafe. There will be
3 control here and there will be control here and
4 here. I mean, this is --

5 MEMBER ALBERTI: Because I don't see
6 barriers there, but there will be barriers all
7 around?

8 MR. KLINE: There will be barriers
9 here and then we have got this funky sculpture.

10 MR. ALTER: Sculpture.

11 MEMBER ALBERTI: I called it a
12 floating platform. It looks like a floating
13 platform.

14 MR. KLINE: This is -- it's the
15 sculpture that you see in the -- you can see in
16 the outline.

17 MEMBER SHORT: Okay. And the question
18 I still had --

19 MR. KLINE: Yes, sir?

20 MEMBER SHORT: -- on event days, the
21 persons who are in the summer garden --

22 MR. KLINE: Yes.

1 MEMBER SHORT: -- how do they get
2 service? Who brings the beer to them? How do
3 they get the beer from the building across the
4 easement with people from the ball game passing
5 through there? Hundreds of people.

6 MR. KLINE: There is a bar here,
7 right?

8 MR. ALTER: Right.

9 MR. KLINE: There is a bar here, as
10 shown on the drawing. And then there is the
11 ability to have runners. And then, you know,
12 that's a challenge.

13 MEMBER SHORT: It's a real challenge.

14 MR. KLINE: But they have a bar here,
15 so the only --

16 MEMBER ALBERTI: So you are telling us
17 that that patrons will not be able carry their
18 drinks across that easement.

19 MR. KLINE: That is correct.

20 MEMBER ALBERTI: When -- okay. What
21 I'm hoping to hear from you is that unless that
22 area is complete cordoned off on the riverside

1 and the street side, so they can't traverse the
2 easement whenever that is possible. And once
3 that is completely shut down, that you won't
4 allow patrons to carry drinks across the
5 easement.

6 MR. KLINE: That's correct.

7 MEMBER ALBERTI: Staff can do it.

8 MR. KLINE: Correct. That is correct.

9 The intention is not --

10 MEMBER ALBERTI: Okay. So we are on
11 the same page.

12 MR. KLINE: -- to allow patrons to
13 consume --

14 MEMBER ALBERTI: We are on the same
15 page.

16 MR. KLINE: -- unless we --

17 MEMBER ALBERTI: Okay.

18 MR. KLINE: -- fill them.

19 MEMBER ALBERTI: Okay. Personally, I
20 am not clear. The one -- the big summer garden,
21 I get. I can see that. I consider it okay. The
22 other -- closer to the building, it's unclear to

1 me how you are going to cordon that off, what the
2 boundaries are going to be, how it is going to be
3 delineated.

4 So maybe you are not prepared to show
5 us now, but, at some point, I think we would like
6 to see that better.

7 MR. KLINE: We will look at that.
8 What I would ask you --

9 MEMBER ALBERTI: Or, you know,
10 illustrate it. Figure out how to illustrate it
11 for us.

12 MR. KLINE: What I would ask you to
13 consider is a couple of things.

14 One is this area, meaning for the
15 record, so the record is clear, the east area.

16 MEMBER ALBERTI: Right.

17 MR. KLINE: Is much larger.

18 MEMBER ALBERTI: Yeah, gotcha.

19 MR. KLINE: You know, so it's much
20 more important in terms of controls.

21 The outdoor seating area in the west
22 summer garden is relatively small. And there is

1 no standing intended there. It's intended as a
2 seated area. And there really are only three
3 points of --

4 MEMBER ALBERTI: I don't want you to
5 get in trouble. It could be two seats and
6 someone could walk away and our Investigators
7 will nail you. So --

8 MR. KLINE: They understand how --

9 MEMBER ALBERTI: -- which they should,
10 which they should. So --

11 MR. KLINE: Is there anything you want
12 to add?

13 MEMBER ALBERTI: -- small is not
14 helpful here. It's just, you know, how it is
15 going to be contained.

16 MR. KLINE: Right. But my point with
17 size was when you have a larger area, obviously,
18 if you are just relying on eyeballs, you need a
19 lot more eyeballs.

20 MEMBER ALBERTI: Oh, yeah, yeah, I
21 gotcha. All right. All right.

22 MEMBER SHORT: I just have a problem

1 with the controls. I'm still seeing a crowd of
2 people, a baseball stadium crowd of people moving
3 through that easement and you are going to be
4 trying to get couriers to go between those. I
5 just don't see it.

6 MR. KLINE: Well, for the most part,
7 the people are going to be served from this bar.
8 There is a bar here.

9 MEMBER SHORT: Well, that's for the
10 most part.

11 MR. KLINE: Yeah, yeah.

12 MEMBER SHORT: Now, you said there
13 will be runners going between. Your words were
14 there will be runners --

15 MR. KLINE: Right.

16 MEMBER SHORT: -- going through the
17 traffic, which will be going, for all practical
18 purposes, north and south and these people have
19 transfers east and west.

20 MR. KLINE: Right. Keep in mind
21 though the activity that you are envisioning,
22 that is 20 minutes after the game for the most

1 part. I mean, when you have that kind of rush of
2 people, that doesn't go on all day. Before the
3 game people trickle in. You don't have that kind
4 of traffic. Even if people are coming from Yards
5 Park and they are coming from the ferry or they
6 are coming from other areas, they are going to
7 come and they are going to amble up to the
8 stadium.

9 The challenge, as you point out and we
10 recognize, is the 20 minutes after the game if
11 it's -- or a concert or whatever it is, if it's
12 sold out, yes, there will be 42, 43, 45,000
13 people coming out of Nats Park and for about 20,
14 maybe 30 minutes at the most, yeah, there is
15 probably going to be a stead stream of people
16 going through there.

17 But the rest of the time, that's not
18 really an issue.

19 MEMBER SHORT: Mr. Kline, I have a
20 background in public assembly and I know about
21 stadiums pretty much and I know about --

22 MR. KLINE: Yes, you do.

1 MEMBER SHORT: -- traffic and people.
2 And this is just something I just -- maybe you
3 are just not painting the correct picture, but I
4 can't see those two different business operating
5 and anybody trying to traverse traffic when
6 stadium is going on. And if there is an
7 emergency and a lot of people got to leave there
8 very fast to get away from something, there is
9 really going to be a situation.

10 MEMBER ALBERTI: Can I ask a real
11 quick question related to that?

12 MR. KLINE: Sure.

13 MEMBER ALBERTI: So in terms of your
14 business model, why would servers go from one
15 area to the other with drinks? I mean, if -- I
16 can see with supplies. All right. They may
17 carry a keg across or something, I don't know.
18 But with, you know, service, individual, why
19 would they be traversing that area?

20 MR. ALTER: We serve premium draft
21 beers inside and if a -- and outside we are not
22 going to have draft beers. We are going to have

1 beers served out of cans, bottles.

2 MEMBER ALBERTI: Um-hum.

3 MR. ALTER: But the idea is if a
4 customer wants to have a draft beer, that draft
5 will be poured inside and brought to the customer
6 outside. And so that would be the only reason
7 for us to bring the beer from inside to outside
8 and cross that area.

9 From a management standpoint, if we
10 realize that, you know, there is an hour in the
11 day after the game or before the game where it
12 is, from a practical standpoint, impossible or
13 not safe, we are going to tell customers I'm
14 sorry, like this hour we can't pour you a beer
15 from inside just because it's too busy. We can't
16 deliver it for you.

17 MEMBER SHORT: That's the kind of
18 language I'm trying to hear.

19 MR. ALTER: Right.

20 MEMBER SHORT: Because basically, you
21 can't do it without a plan --

22 MR. ALTER: Yeah.

1 MEMBER SHORT: -- and rationale. The
2 draft beer is going to be a problem on both sides
3 of the business. The draft beer can only be
4 taken from the inside across, so there might be
5 certain times when you can't do that, correct?

6 MR. ALTER: Correct, correct.

7 MEMBER SHORT: All right.

8 MR. ALTER: And if you -- you know, if
9 we cannot just because, you know, there is
10 traffic or flow of people, we can't send our
11 runners through the traffic where they are going
12 to be, you know, delivering those beers. If it's
13 not practical, it's not practical. Our goal is
14 not to, you know, send beers flowing through the
15 crowd. They aren't going to start flowing with
16 the crowd.

17 Our goal is to deliver to customers.
18 If it's not possible, you know, we will say I'm
19 sorry, customer, you know.

20 MEMBER SHORT: Can I just raise
21 something that might help this --

22 MR. ALTER: Sure.

1 MEMBER SHORT: -- situation? And Mr.
2 Kline will know this probably better than you
3 would, you probably know also, but we do have
4 what they call RDO. And if there is a police
5 presence on one side of that barrier or the other
6 to enforce, help enforce what you said, because
7 it's easy for you to say it now, but when the
8 money gets to flowing and the people get to want
9 certain things, people have a tendency to say
10 well, just send one across and see if he can make
11 it.

12 And then we have a -- you know, you
13 know and I know business, that happens, right?
14 So what kind of safeguard can you give? I'm just
15 one Board Member, but in my mind seeing crowds
16 and knowing crowds, I'm thinking that's going to
17 be just very, very hard to resist the flow,
18 stopping, going, stopping, going without some
19 kind of practical barrier or security, not just
20 regular security people, somebody who wears some
21 enforcement power to say hey, stop, you can't do
22 it.

1 MR. ALTER: Well, when we are applying
2 it more in, I guess, our procedures and maybe
3 security plan, but the way I see it, you know, we
4 have a security personnel standing on one side,
5 you know, in our summer garden, you know, in the
6 garden area and a security personnel standing on
7 the other side of that easement, because we have
8 controlling access.

9 If they see that it becomes too busy
10 and it's not practical for our staff runners with
11 beers to cross, you know, they will all have
12 radios, they can radio the manager and say, you
13 know, you need to stop delivering from --

14 MEMBER SHORT: What kind of numbers
15 are we talking about on both sides? What is the
16 occupancy numbers for the garden and the cross
17 area?

18 MEMBER ALBERTI: I think that the
19 number in the big summer garden and the number in
20 that summer garden close to the building.

21 MR. KLINE: I'm sorry?

22 MEMBER ALBERTI: Those two areas.

1 MEMBER SHORT: What are the numbers?

2 MR. KLINE: 800.

3 MEMBER ALBERTI: The number close to
4 the building and the number in the big area?

5 MR. KLINE: 800 total.

6 MR. ALTER: Outside.

7 MR. KLINE: Outside.

8 MEMBER ALBERTI: Well --

9 MEMBER SHORT: Now, on each different
10 side, which -- on the larger side, as you would
11 say the east end, what is the number there?

12 MR. ALTER: We haven't counted that
13 way, but I think you -- if I was to guesstimate,
14 it would be about 650 -- 700 on one side, on the
15 larger side and 100 on the side that is adjacent
16 to the building.

17 MR. KLINE: But that includes the
18 summer -- the sidewalk cafe?

19 MR. ALTER: Sidewalk cafe, yeah.

20 MEMBER ALBERTI: That includes the
21 part --

22 MR. KLINE: Along the sidewalk.

1 MEMBER ALBERTI: -- along the cabin
2 also.

3 MR. KLINE: Yeah.

4 MR. ALTER: Yes.

5 MEMBER SHORT: 750?

6 MR. ALTER: Well --

7 MEMBER SHORT: That's what you are
8 asking for?

9 MR. KLINE: I think that's what we
10 were approved for.

11 MEMBER SHORT: You have been approved
12 the numbers already?

13 MR. ALTER: Yeah.

14 MR. KLINE: Yeah, our license is
15 approved.

16 MEMBER ALBERTI: Yeah, we signed it,
17 Mr. Short.

18 MR. ALTER: It is 550 on the summer
19 garden and 250 on the sidewalk cafe, sir.

20 MEMBER SHORT: What was it again?

21 MS. FARLEE: Yeah, but this is not --

22 MR. ALTER: It was a total on the

1 summer garden of 550 and a total of 250 on the
2 sidewalk cafe.

3 MEMBER SHORT: Okay.

4 MR. KLINE: Right. But that's a
5 little deceiving, because the 550 is split
6 between the two summer garden areas and then the
7 250 is split between the two sidewalk cafe areas,
8 which are adjacent to the summer garden.

9 MEMBER ALBERTI: Yeah, so this -- and
10 I'm going to get real nitpicky here, so forget
11 me.

12 MR. KLINE: That's fine.

13 MEMBER ALBERTI: Can we divide this
14 area up a little bit differently here so we know
15 exactly where the sidewalk cafe is. And we know
16 that is that area long Potomac Avenue. All
17 right. And so I would like the capacity for that
18 area only. Not commingled with this area east of
19 the building, because I want to know -- when you
20 say sidewalk cafe, you know, you've got a DDOT
21 permit and I want to know.

22 You know just -- I know I'm being

1 nitpicky here. I want to know what that capacity
2 is there. Then you have two summer gardens on
3 the east side, right? And I would like to know
4 the capacity for each of those.

5 MR. KLINE: And you will.

6 MEMBER ALBERTI: All right.

7 MR. KLINE: And that's part of the
8 DCRA permitting process.

9 MEMBER ALBERTI: Okay.

10 MR. KLINE: That's why I cautioned
11 earlier --

12 MEMBER ALBERTI: So and you have got
13 that number in your license. Okay.

14 MR. KLINE: And we do not --

15 MEMBER ALBERTI: I really appreciate
16 that. I think because if we have future
17 conversations, it's just going to be hell to
18 figure out what is where.

19 MR. KLINE: So as Mr. Moosally knows
20 and the Board may or may not know, licenses get
21 approved for numbers and then when the applicant
22 comes in with the relevant permits, then the

1 license is issued, based on those permits.

2 MEMBER ALBERTI: And that's why I'm
3 having this conversation, so that we are on the
4 same page with how we are going to have numbers.
5 So we are going to have three sets of numbers,
6 right?

7 MR. KLINE: At least.

8 MEMBER ALBERTI: Okay. Right. So as
9 long as we understand.

10 The other thing is you said something
11 about your intent is to have people seated in
12 that summer garden that is adjacent to the
13 building.

14 MR. KLINE: Is that right?

15 MR. ALTER: Um-hum.

16 MR. KLINE: Yeah, that's correct.

17 MEMBER ALBERTI: Can we get a
18 commitment that you won't serve people standing
19 in that area? That you will only serve people
20 seated? Because I would feel better about the
21 traffic going -- you know, how people perceive--

22 MR. KLINE: Yes.

1 MEMBER ALBERTI: -- what they are
2 allowed to do. So if they are -- if they have to
3 be seated to be served in that area, there is
4 going to be a perception that this is where I'm
5 stationed and I'm not walking over to see my
6 friend over in the other area.

7 MR. ALTER: And this says physical --
8 the amount of this little --

9 MEMBER ALBERTI: Is that possible?

10 MR. KLINE: Well, I'm advised that
11 yeah, in the seated area, yes, but if you look at
12 I don't know if it's the last page or the next to
13 the last page of the drawings, I'll just walk up
14 there if I may?

15 MEMBER ALBERTI: Sure.

16 MR. KLINE: In terms of seating, this
17 is the seated area and this is more of the
18 seating area here.

19 MEMBER ALBERTI: Oh, right by the
20 building?

21 MR. KLINE: Yes, both places, um-hum.

22 MEMBER ALBERTI: Okay. And how big is

1 that area?

2 MR. ALTER: Well, so the doors --

3 MEMBER ALBERTI: How many people? Oh,
4 so now we have a separate --

5 MR. KLINE: 15-4.

6 MEMBER ALBERTI: Okay. Can we --

7 MR. ALTER: This is the sidewalk cafe.

8 MEMBER ALBERTI: -- get numbers for
9 all of those areas?

10 MR. KLINE: Yes.

11 MEMBER ALBERTI: So this is standing
12 room only and the seated area?

13 MR. KLINE: Yes. As soon as we get
14 DCRA to approve them.

15 MEMBER ALBERTI: Because that really,
16 you know, if you are going to tell me you want
17 100 people next to the building, I'm going to be
18 panicking, because it just --

19 MR. ALTER: That is this.

20 MEMBER ALBERTI: -- you know, you have
21 to think about controlling this crowd. I mean,
22 you've got big numbers and I'm comfortable with

1 that. Personally, I'm comfortable. It's just
2 how it is managed is of concern.

3 MR. CHEKALDIN: And so we have -- we
4 are investing heavily into the logistics of the
5 place. It's actually not in our interest to have
6 free-flowing traffic from let's say the sold line
7 or anyone else.

8 MEMBER ALBERTI: All right.

9 MR. CHEKALDIN: We don't want them to
10 go along that.

11 MEMBER ALBERTI: No, I know that. But
12 wouldn't -- even within your controlled area, we
13 are concerned.

14 MR. CHEKALDIN: So this is my primary
15 goal is to keep my people --

16 MEMBER ALBERTI: Right.

17 MR. CHEKALDIN: -- in my area, because
18 I'm creating efficiencies and amenities for them,
19 that's number one.

20 And number two, you know, for the
21 outside, for the large area, again from a
22 business perspective, for me to run draft at the

1 high peak --

2 MEMBER ALBERTI: You don't want to do
3 that.

4 MR. CHEKALDIN: -- makes no sense.

5 MEMBER ALBERTI: That's -- I get that.

6 MR. CHEKALDIN: It's better with the
7 cans.

8 MEMBER ALBERTI: I get that.

9 MR. CHEKALDIN: And that's just not --

10 MEMBER ALBERTI: But when you have 800
11 people milling around, look, look --

12 MEMBER SHORT: Coming and going.

13 MEMBER ALBERTI: -- when I was 27
14 years-old, I would be the person who would try to
15 sneak from one summer garden to the other. Okay?
16 So I know that it happens and this is what we are
17 trying to prevent. All right. And we just want
18 to -- I just am trying to hearing from you --

19 MR. ALTER: There is planters there.

20 MEMBER ALBERTI: -- that you have
21 thought about this.

22 MR. ALTER: We have 42 inch planters

1 everywhere.

2 MEMBER ALBERTI: I got it. I got it.

3 MR. ALTER: Our idea is --

4 MEMBER ALBERTI: Yeah, I got it.

5 MR. ALTER: -- and you know, so you
6 know, you don't have to sneak in, you can go from
7 one to the other, just don't go with a drink, you
8 know.

9 MEMBER ALBERTI: Yeah, I know. I
10 know. So we are just making sure that, you know
11 -- and we are not asking you to do -- you know,
12 if there are small compromises that you need to
13 make, that's what we are asking just to ensure
14 that -- so I just -- again, I'm not saying don't
15 have the standing room. I just would like a
16 number there.

17 MR. KLINE: Okay.

18 MEMBER ALBERTI: So that we know that,
19 you know, you have thought about it and it's a
20 reasonable number. All right?

21 MR. ALTER: For us it's more -- it's
22 actually we also try -- what we are trying to do,

1 we have space, so we are trying to make, you
2 know, as many seated capacity as possible --

3 MEMBER ALBERTI: Yes.

4 MR. ALTER: -- because it's easier to
5 manage. It's easier to serve. It's more easier.
6 It's more controlled, so and that's our goal.

7 MEMBER ALBERTI: And I get why you
8 want the standing room next to the building. It
9 makes sense for the casual summer.

10 MR. ALTER: Yeah.

11 MEMBER ALBERTI: I get it. All right.
12 We just need to know you are not packing 200
13 people in there. All right.

14 MR. ALTER: Yeah, I mean --

15 MEMBER ALBERTI: I'm exaggerating
16 here, but we just kind of would like to know the
17 numbers.

18 MR. KLINE: We understand that. It's
19 a large place.

20 MEMBER ALBERTI: Yeah.

21 MR. KLINE: We recognize that.

22 MEMBER ALBERTI: Yeah.

1 MR. KLINE: And it needs to be thought
2 about and it needs to be managed. And we
3 appreciate the Board's concerns.

4 MEMBER ALBERTI: Okay.

5 MR. KLINE: So we will make sure of
6 that.

7 CHAIRPERSON ANDERSON: Dr. Farlee, do
8 you have any questions, based on -- I know you
9 are here. You haven't said anything as of yet.

10 MS. FARLEE: Yes.

11 CHAIRPERSON ANDERSON: Do you have any
12 questions you want to ask?

13 MS. FARLEE: Well, I have an early
14 comment about pub crawls. We are writing into
15 all of our agreements that there are no pub
16 crawls in ANC-6D, the ones that have agreements
17 and licenses. So we hope for no pub crawl
18 relations there, please.

19 What I'm not clear about the --
20 whether -- when there might be vehicles in this
21 easement area. It sounds like The Wharf.

22 MR. KLINE: No vehicles.

1 MR. ALTER: No vehicles.

2 MS. FARLEE: No vehicles?

3 MR. KLINE: No. If you look at the
4 photo that is up on the screen, there is a curb
5 there and that's the easement area that we are
6 talking about. There is no -- I can't say there
7 is no way vehicles can get there, but there is no
8 curbcut. There is no intention that there be
9 vehicles there.

10 MS. FARLEE: So it's only for
11 pedestrian crossing?

12 MR. KLINE: Exactly. Maybe bicycles,
13 but --

14 MS. FARLEE: Okay. And on the numbers
15 that you were talking about, Commissioner
16 Alberti, I think there are five sets of numbers.
17 That is there is an inside number. There is two
18 spaces for the summer gardens, two summer cafes
19 and then a standing number that is six, I guess.

20 MR. KLINE: Yeah. I mean, I think
21 that the inside number, the maximum has been
22 established. It was established --

1 MS. FARLEE: 350?

2 MR. KLINE: -- by the license
3 application, which is 350.

4 MS. FARLEE: 350.

5 MR. KLINE: And --

6 MS. FARLEE: But you are going to
7 split the summer gardens of 550 into two
8 locations?

9 MR. KLINE: Yes, it's two areas.

10 MS. FARLEE: And then the sidewalk
11 cafe of 250 will also be split?

12 MR. KLINE: Correct.

13 MR. ALTER: Right.

14 MS. FARLEE: So that's five different
15 numbers.

16 MR. ALTER: Yes.

17 MS. FARLEE: And then the standing is
18 another number.

19 MR. KLINE: Correct.

20 MS. FARLEE: It's a part of that
21 1,150.

22 MR. ALTER: Well, standing room is a

1 subset of each of the numbers.

2 MS. FARLEE: Oh, of each of them.

3 Wait a minute, you're going to have standing in
4 each space?

5 MR. ALTER: Well, I mean, no. The
6 sidewalk cafe will not have any standing, because
7 it's only seated --

8 MS. FARLEE: Okay.

9 MR. ALTER: -- area. But the summer
10 garden will have standing on both sides.

11 MEMBER ALBERTI: So the area, the
12 summer garden that is closest to the -- adjacent
13 to the building, they will have a seated number
14 and a standing room number for that --

15 MS. FARLEE: Standing --

16 MEMBER ALBERTI: -- area where --

17 MS. FARLEE: -- only in one summer
18 garden?

19 MEMBER ALBERTI: -- you have standing
20 room.

21 MR. KLINE: Right. In terms of where
22 there --

1 MS. FARLEE: Adjacent to the building.

2 MR. KLINE: -- is an area that is
3 standing.

4 MEMBER ALBERTI: All right.

5 MR. KLINE: And there will be an
6 overall maximum, I mean, in terms of the areas.

7 MR. ALTER: And there will be also
8 standing -- there will be also standing,
9 obviously, in the big part in the summer.

10 MEMBER ALBERTI: Yeah, that part is
11 understood, there will be a max there and that
12 is --

13 MR. ALTER: Not in the easement.

14 MR. KLINE: No.

15 MR. ALTER: No standing room.

16 MR. KLINE: No service in the easement
17 area.

18 MS. FARLEE: No service in the
19 easement.

20 MR. KLINE: No patrons in the easement
21 area, unless there is a special event of some
22 kind that they are running and they cordon off

1 that area and control the --

2 MR. ALTER: Yes.

3 MR. KLINE: -- to which under their
4 lease they can do, but that's not what is
5 intended on an every day basis.

6 MR. ALTER: And also if you notice on
7 this, on the first page --

8 MR. CHEKALDIN: On the rendering.

9 MR. ALTER: -- yes, we are building a
10 16 foot projection from the building, which is
11 going to be an awning.

12 MR. CHEKALDIN: An awning, a solid
13 concrete awning. We are working very closely
14 with sound engineers, so the 16 feet that does
15 not show right now at all --

16 MR. KLINE: Right.

17 MR. CHEKALDIN: -- will essentially
18 stop whatever sound that comes in from --
19 whatever people that may end up standing closer
20 to the bar. So but the seating is our priority.

21 MS. FARLEE: You say that it's awning?

22 MR. KLINE: Yes. So to clarify,

1 again, if you go to what is up on the screen, the
2 building that you see, there is a cantilever. Is
3 it a cantilever or is it --

4 MR. ALTER: Well --

5 MR. KLINE: -- it's a cantilever.

6 MR. ALTER: Yes.

7 MR. KLINE: There is a cantilever
8 overhang, like an awning. It is going to extend
9 over that area.

10 MR. CHEKALDIN: All the way to the
11 statute there.

12 MS. FARLEE: But you said earlier no
13 service or standing where?

14 MR. KLINE: Oh, in the easement area.

15 MS. FARLEE: Easement.

16 MR. KLINE: Unless they close it for
17 a special event, which would not be on a game or
18 event day.

19 MS. FARLEE: It would be an extra one
20 day event, a permit, right?

21 MR. KLINE: Well, no, it's part of
22 their license that they wouldn't to it on a game

1 day or an event day. And they wouldn't do it on
2 a regular basis.

3 MS. FARLEE: The easement area --

4 MR. KLINE: That's not their
5 intention.

6 MS. FARLEE: -- is part of their
7 license?

8 MR. KLINE: It's part of their lease.

9 MR. ALTER: Part of the lease.

10 MR. KLINE: Part of their license.

11 MEMBER SHORT: How many people would
12 they have in that easement area when -- during
13 those special events? How many people would be
14 in the easement area if they did one of those
15 special events?

16 MR. KLINE: I don't know. I would
17 have to look at what --

18 MEMBER SHORT: It seems like that
19 should be something we talk about and get an --

20 MR. KLINE: Sure.

21 MEMBER SHORT: -- agreement on, if
22 that is going to happen.

1 MR. KLINE: That's understood.

2 MEMBER SHORT: Because the bottom line
3 if we just have an open-end, it could be a major
4 problem.

5 MEMBER ALBERTI: So, Mr. Short, I
6 think part of that, just to comment on that, I
7 mean, you understand you have a max here.

8 MR. ALTER: Correct.

9 MR. KLINE: Correct.

10 MEMBER ALBERTI: So you can't increase
11 that max when you use the easement.

12 MR. ALTER: Correct.

13 MR. KLINE: Correct.

14 MEMBER ALBERTI: So -- all right.

15 MEMBER SHORT: I understand that. If
16 that's understood?

17 MR. KLINE: Yes.

18 MEMBER ALBERTI: Yeah.

19 MEMBER SHORT: I didn't hear anybody
20 say that.

21 MR. ALTER: Right.

22 MEMBER ALBERTI: Okay. So that's

1 understood?

2 MR. KLINE: That's understood.

3 MEMBER ALBERTI: I think that that's
4 what his concern is.

5 MEMBER SHORT: And that's where my
6 problem was.

7 MR. KLINE: I mean, we will only do it
8 if they -- I mean, I don't know what the event
9 would be.

10 MEMBER ALBERTI: I know. Just so you
11 have overflow there, but it's not going to --

12 MR. KLINE: Oktoberfest.

13 MEMBER ALBERTI: -- add to the overall
14 capacity.

15 MR. KLINE: Correct, correct. It
16 would just be to create an atmosphere and have
17 one discrete space where they would have an event
18 that --

19 MEMBER ALBERTI: Yes.

20 MR. KLINE: -- you know, is spread out
21 a little bit.

22 MEMBER ALBERTI: Makes it easier to

1 manage.

2 MR. KLINE: Exactly.

3 MR. ALTER: Yes.

4 CHAIRPERSON ANDERSON: Do you have
5 another question, Dr. Farlee?

6 MS. FARLEE: I just want to comment.
7 We did this a year ago with the ABC Committee in
8 May and the ANC in June, a lot has happened since
9 we wrote this agreement.

10 But two things, our commissioner is
11 concerned about Uber-type drop-offs, locations
12 that you have designated areas in the agreement,
13 but I just want to confirm is there still a plan
14 to do that, so it doesn't cause traffic
15 congestion or whatever around that area?

16 MR. KLINE: Yes, they have that same
17 concern, absolutely.

18 MS. FARLEE: Yes. And then we will
19 get a security plan that is approved by ABRA
20 staff?

21 MR. KLINE: Yes, we filed a draft.

22 MS. FARLEE: Before --

1 MR. KLINE: It's attached to this
2 document. It's a draft and it's a draft because
3 we want to see what the final layout is, what the
4 plans looks like, so we know what we are dealing
5 with, it just seems a bit premature to finalize
6 it until we know exactly what the numbers are
7 going to be, exactly what the areas are going to
8 look like, so they can have staff and we give you
9 accurate information as to what should be in that
10 plan in terms of personnel.

11 MEMBER SHORT: Thank you.

12 CHAIRPERSON ANDERSON: Mr. Brashears,
13 do you have any questions that you want to ask
14 based on what you have heard so far?

15 INVESTIGATOR BRASHEARS: Yes, sir. So
16 if I'm looking at this correct, this area next to
17 the building will be summer garden?

18 MR. KLINE: Correct, yes, sir.

19 INVESTIGATOR BRASHEARS: Easement,
20 summer garden?

21 MR. KLINE: No. Easement is past
22 that.

1 INVESTIGATOR BRASHEARS: Okay.

2 MR. KLINE: It's on the side of that.

3 INVESTIGATOR BRASHEARS: Okay. So --

4 MR. KLINE: So that is, if I may?

5 INVESTIGATOR BRASHEARS: Sure.

6 MR. KLINE: Where is the drawing?

7 MR. ALTER: This one?

8 MR. KLINE: This one. Okay.

9 MR. ALTER: Okay.

10 MR. KLINE: So that is -- this is
11 roughly here.

12 INVESTIGATOR BRASHEARS: Okay.

13 MR. KLINE: And then the easement is
14 over here.

15 INVESTIGATOR BRASHEARS: Okay. So
16 summer garden, summer garden, easement, easement
17 in the middle?

18 MR. KLINE: Right.

19 INVESTIGATOR BRASHEARS: So I guess my
20 question is on the occasions when the easement
21 is, let's say, blocked off --

22 MR. KLINE: Um-hum.

1 INVESTIGATOR BRASHEARS: -- and at
2 that point, would draft beers and things and
3 runners be going back and forth across to the
4 larger or the --

5 MR. KLINE: Sure, yeah.

6 INVESTIGATOR BRASHEARS: -- one where
7 they are at? Okay. And then I guess --

8 MR. ALTER: The staff can get beer.

9 INVESTIGATOR BRASHEARS: Right.

10 MR. ALTER: From one side to the other
11 side any time, except when it's not practical.

12 INVESTIGATOR BRASHEARS: Gotcha.

13 MR. ALTER: But for the -- when we
14 block off both north and south side of the
15 easement, that's the time when customers can move
16 around.

17 INVESTIGATOR BRASHEARS: So it's your
18 intention when it is closed off that the
19 customers can basically flow and it's basically
20 one large summer garden?

21 MR. KLINE: Exactly.

22 INVESTIGATOR BRASHEARS: Okay.

1 MR. KLINE: Exactly.

2 INVESTIGATOR BRASHEARS: And then my
3 other question, this is, obviously, a sidewalk
4 cafe?

5 MR. KLINE: Yeah, correct.

6 INVESTIGATOR BRASHEARS: Will this be
7 blocked off in some fashion or --

8 MR. KLINE: Yes.

9 INVESTIGATOR BRASHEARS: -- will this
10 flow into --

11 MR. ALTER: You can see it will flow
12 into the summer garden area.

13 MR. CHEKALDIN: You can actually see
14 the -- on the drawing, the planters are shown.

15 INVESTIGATOR BRASHEARS: Right.

16 MR. CHEKALDIN: On the rendering, you
17 can actually see them. So all of this will be
18 pretty much cordoned off by planters.

19 MR. ALTER: Well, what he is asking,
20 he is asking whether the people will be able to
21 go into the summer garden from the sidewalk cafe.

22 INVESTIGATOR BRASHEARS: From the

1 sidewalk cafe.

2 MR. KLINE: Yes.

3 MR. ALTER: Yes.

4 MR. KLINE: If you look at the 3-D
5 drawing, I think that's the best one, this one
6 where you can see that there is a barrier around
7 the cafe area.

8 INVESTIGATOR BRASHEARS: Where is it
9 at?

10 MEMBER ALBERTI: Right. And it's the
11 page following --

12 INVESTIGATOR BRASHEARS: Ah, there we
13 go.

14 MR. KLINE: And you can see that the
15 other end of the cafe is blocked. And there is a
16 door into the building maybe three-quarters of
17 the way down.

18 INVESTIGATOR BRASHEARS: Right. So we
19 are looking at it right --

20 MR. KLINE: Yes, uh-huh.

21 INVESTIGATOR BRASHEARS: -- so this is
22 all sidewalk cafe?

1 MR. KLINE: Right.

2 MR. ALTER: Um-hum.

3 INVESTIGATOR BRASHEARS: And then this
4 is summer garden?

5 MR. KLINE: Right.

6 INVESTIGATOR BRASHEARS: Okay.

7 MEMBER ALBERTI: How many -- how much
8 staff have you at the edge of this?

9 MR. CHEKALDIN: I just met with the
10 recruiters.

11 MEMBER ALBERTI: It can be a lot. You
12 can be employing lot of people to control this
13 end.

14 MR. KLINE: It's a big project. I
15 mean, we acknowledge that.

16 MEMBER ALBERTI: Yes, I know.

17 MEMBER SHORT: No kidding.

18 MR. ALTER: Mr. Alberti, we will be
19 bringing in --

20 MR. KLINE: I remember the place on
21 the other side will be closed by then, so --

22 MEMBER ALBERTI: What one?

1 MR. KLINE: No, on the other side of
2 the park.

3 MS. FARLEE: Florida?

4 MR. KLINE: The Bolton.

5 MEMBER ALBERTI: Oh, oh.

6 MEMBER SHORT: Oh, okay.

7 MR. KLINE: And that's much like we
8 are doing in this.

9 MEMBER ALBERTI: Yes, but it's less
10 complicated.

11 MR. KLINE: Maybe.

12 (Simultaneous Speaking)

13 MEMBER ALBERTI: I mean, it's just --

14 MR. KLINE: Yes, it's not going to --

15 MEMBER ALBERTI: -- a bullpen.

16 MR. KLINE: -- the empty trailers are
17 a little easier than a 4-S with build-outs.

18 MEMBER ALBERTI: Well, yeah, you want
19 people flowing from one area to another.

20 MR. KLINE: Oh, agreed.

21 MEMBER ALBERTI: Yeah.

22 CHAIRPERSON ANDERSON: Any other

1 questions?

2 INVESTIGATOR BRASHEARS: No.

3 CHAIRPERSON ANDERSON: Dr. Farlee, any
4 other, any final questions you want to ask?

5 MS. FARLEE: Do you have a summary of
6 your recommendations?

7 CHAIRPERSON ANDERSON: I'm not sure we
8 are going to -- are you talking about what Mr.
9 Brashears did?

10 MS. FARLEE: Oh, I mean, of the --

11 CHAIRPERSON ANDERSON: I think,
12 basically, we are just gathering information, so
13 we are not going to necessarily make
14 recommendations here. I mean, we are trying to
15 see what it is that prior to -- when is it
16 anticipated that this establishment will be
17 operational?

18 MR. ALTER: We hope to open in
19 November.

20 CHAIRPERSON ANDERSON: In November.
21 Okay.

22 MEMBER ALBERTI: And the transcript

1 will be available and you will be able to -- some
2 of the commitments that were made, you can see
3 from the -- you will be able to --

4 MS. FARLEE: Recommendations.

5 MEMBER ALBERTI: -- you will get them
6 from the transcript, I mean. We all know they
7 are there.

8 MR. KLINE: Yeah, I mean, basically,
9 I mean, I can quickly summarize them. What we
10 have talked about is a commitment that there will
11 be no service in what has been called the
12 easement area, except on days when the north and
13 south entrances to the easement area are closed
14 for purposes of a discrete special event of some
15 kind.

16 In all other circumstances, there will
17 not be service there. There will be barriers
18 around both the summer garden areas. There will
19 be personnel stationed at the entrances to them
20 and exits to control access and also to assure
21 that people are not walking off with beverages.

22 And we have agreed to supply numbers

1 for the standing area in the summer garden
2 immediately outside the restaurant area as well
3 as provide the other numbers which we will need
4 to do anyway, with respect to the two sidewalk
5 cafe areas and the seated area of the western
6 summer garden and, of course, the entire eastern
7 summer garden.

8 And there is one other piece of this
9 I should mention just in the interest of full
10 disclosure, there is a piece on the back side of
11 this and it's labeled in the -- Mr. Brashears'
12 drawing or the lease drawing, it says "Public
13 space area subject to DC approval." That is
14 public space area, that will require a separate
15 approval and we are working on that.

16 I'm still trying to figure out which
17 Agency, but I mean, obviously, if we don't get
18 approval for that, then that wouldn't be part of
19 the premises.

20 MEMBER ALBERTI: On the back side?

21 MR. KLINE: Parallel to -- no.

22 MEMBER ALBERTI: No, that is the --

1 the last -- that's Potomac Avenue, that's the
2 summer garden.

3 MR. KLINE: Four-divided, quadrangle.

4 MEMBER ALBERTI: This is probably
5 space --

6 MR. KLINE: Quadrangle over here.

7 MR. ALTER: Yeah.

8 MR. CHEKALDIN: Right there in the
9 back. All the way back.

10 MR. KLINE: On the back. Do you see
11 the quadrangle on the back?

12 MEMBER SHORT: The public space area.

13 MEMBER ALBERTI: No, no, no. I know
14 what he is talking about. He is talking about --
15 yeah, right, I gotcha. The far eastern end to
16 the summer garden.

17 (Simultaneous Speaking)

18 MR. KLINE: Exactly.

19 MR. ALTER: Thank you.

20 MEMBER ALBERTI: Far eastern end to
21 the summer garden.

22 MR. KLINE: Right here is the District

1 property.

2 MEMBER ALBERTI: Okay.

3 MR. KLINE: It doesn't seem to be
4 useful to anyone. Hopefully, we will be able to
5 work it out and be able to use it.

6 MEMBER ALBERTI: If not, you will pick
7 -- have a barrier?

8 MR. KLINE: If not, then the space
9 will contract.

10 MEMBER ALBERTI: Right.

11 MR. KLINE: On that back side.

12 MEMBER ALBERTI: All right. All
13 right.

14 MR. KLINE: Some are transparent,
15 we're clear?

16 MEMBER ALBERTI: Yeah, okay. Thank
17 you. I appreciate that.

18 CHAIRPERSON ANDERSON: Any final
19 comments by any other Board Member? Any -- I
20 guess, Dr. Farlee, Investigators? No? Mr.
21 Kline, any final comments you want to make on
22 behalf of your client?

1 MR. KLINE: No. Thank you for the
2 opportunity to come before you and have an
3 exchange as to what it's all about.

4 MS. FARLEE: Thank you.

5 MR. KLINE: We appreciate your
6 concerns and understand that they need to be
7 dealt with.

8 MS. FARLEE: Yes, thank you for doing
9 this, Mr. Kline.

10 MEMBER ALBERTI: All right. Thank
11 you. Just personally, I was having a tough time
12 with understanding it from the diagrams.

13 MR. KLINE: I understand. It's fair.

14 MEMBER ALBERTI: I needed a tutorial
15 thing.

16 MR. KLINE: All right.

17 CHAIRPERSON ANDERSON: Well, thank you
18 four for being here today. And I know that prior
19 to opening, the anticipated date of opening in
20 November was that we probably will be hearing
21 some more again from you regarding the final
22 plans and whether or not -- and to make sure that

1 the Agency sees the final plans, so we can
2 approve what is it what had approved earlier.

3 All right. So thank you very much for
4 being here today. And I mean, I guess also we
5 will take this under advisement or I guess --

6 MEMBER ALBERTI: I mean, it's really
7 nothing, I just -- it was just an informational
8 hearing.

9 CHAIRPERSON ANDERSON: Yeah, so well,
10 it will be NFA and if I had not done that, I also
11 want to thank Mr. Brashears and Mr. Puente for
12 always doing a top notch job.

13 INVESTIGATOR BRASHEARS: Thank you,
14 sir.

15 CHAIRPERSON ANDERSON: But thank you
16 for being here today.

17 MR. KLINE: Thank you.

18 CHAIRPERSON ANDERSON: All right.

19 MR. ALTER: Thank you.

20 MR. CHEKALDIN: Thank you.

21 CHAIRPERSON ANDERSON: All right.

22 MEMBER ALBERTI: Mr. Brashears, your

1 one illustration was just incredibly helpful to
2 me.

3 INVESTIGATOR BRASHEARS: Yes, I think
4 what was confusing the situation initially was
5 the park area.

6 MEMBER ALBERTI: Yeah.

7 INVESTIGATOR BRASHEARS: You know,
8 when we went down, we were looking for a field, a
9 wide open area.

10 MEMBER ALBERTI: So was I.

11 INVESTIGATOR BRASHEARS: And then --

12 MEMBER ALBERTI: When I went down two
13 months ago and like where the hell is the area?

14 INVESTIGATOR BRASHEARS: -- so that
15 kind of made sense.

16 MEMBER ALBERTI: Yeah, no, I
17 understand.

18 CHAIRPERSON ANDERSON: All right. As
19 Chairperson of the Alcoholic Beverage Control
20 Board for the District of Columbia and in
21 accordance with DC Official Code Section 2-574 of
22 the Open Meetings Act, I move that the ABC Board

1 hold a closed meeting on May 23, 2018 for the
2 purpose of seeking legal advice from our counsel
3 on the matters identified on the Board's Agenda
4 for May 23, 2018 as published in the DC Register
5 on May 18, 2018. Is there a second?

6 MEMBER SHORT: Second.

7 CHAIRPERSON ANDERSON: Mr. Short has
8 seconded the motion. I will take a roll call
9 vote on the motion before us now that it has been
10 seconded.

11 Mr. Silverstein?

12 MEMBER SILVERSTEIN: I agree.

13 CHAIRPERSON ANDERSON: Mr. Short?

14 MEMBER SHORT: I agree.

15 CHAIRPERSON ANDERSON: Mr. Alberti?

16 MEMBER ALBERTI: I agree.

17 CHAIRPERSON ANDERSON: Mr. Cato?

18 MEMBER CATO: I agree.

19 CHAIRPERSON ANDERSON: Mr. Anderson?

20 I agree.

21 As it appears that the motion has
22 passed, I hereby give notice that the ABC Board

1 will hold this aforementioned closed meeting
2 pursuant to the Open Meetings Act. Notice will
3 also be posted on the ABC Board hearing room
4 bulletin board, placed on the electronic calendar
5 on ABRA's website and published in the DC
6 Register in as timely a manner as practicable.

7 It is 5:20 p.m. and we are adjourned
8 for the day. Thank you.

9 MEMBER SHORT: Thank you.

10 (Whereupon, the Fact-Finding Hearing
11 was concluded at 5:20 p.m.)
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This is to certify that the foregoing transcript

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Before: DC ABRA

Date: 05-16-2018

Place: Washington, DC

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